

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 06-cv-00759-LTB-CBS

MICHAEL WHITINGTON,

Plaintiff,

v.

JOE ORTIZ,  
AL ESTEP,  
STEVE GREEN,  
DALAYNE TORNOWSKI,  
STEVEN LOCKHART,  
THOMPAS BULLARD,  
SGT. OLSEN,  
SGT. HUFF,  
C/O BARNS,  
LT. JOHN CORDOVA, and  
LT. ADELMAN,

Defendants.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

FEB 12 2007

GREGORY C. LANGHAM  
CLERK

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**ORDER GRANTING SERVICE BY UNITED STATES MARSHAL**

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THIS CAUSE came before the Court on the affidavit in support of the motion for leave to proceed without prepayment of fees or security pursuant to 28 U.S.C. § 1915.

The Court has granted the plaintiff leave to proceed *in forma pauperis*. It now is

ORDERED that, if appropriate, the Clerk shall attempt to obtain a waiver of service from the defendants. If unable to do so, the United States Marshal shall serve a copy of the complaint, summons, order granting leave to proceed pursuant to 28 U.S.C. § 1915, and all other orders upon the defendants. If appropriate, the Marshal shall first attempt to obtain a waiver of service of these documents pursuant to Fed. R. Civ. P.

4(d). All costs of service shall be advanced by the United States. It is

FURTHER ORDERED that the defendants or counsel for the defendants shall respond to the complaint as provided for in the Federal Rules of Civil Procedure after service of process on the defendants.

DATED at Denver, Colorado, this 9<sup>th</sup> day of February, 2007.

BY THE COURT:

s/Craig B. Shaffer

Craig B. Shaffer

United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 06-cv-00759-LTB-CBS

Michael Whittington  
Prisoner No. 98082  
San Carlos Corr. Facility  
1410 W. 13<sup>th</sup> Street  
PO Box 3  
Pueblo, CO 81002

Joe Ortiz, Al Estep, Steve Green,  
Dalayne Tornowski, Steven Lockhart,  
Thompas Bullard, Sgt. Olsen, Sgt. Huff,  
C/O Barns, Lt. John Cordova,  
and Lt. Adelman - WAIVER\*  
c/o Cathie Holst  
Colorado Department of Corrections  
Office of Legal Affairs  
**DELIVERED ELECTRONICALLY**

John Suthers, Attorney General  
Office of the Attorney General  
**DELIVERED ELECTRONICALLY**  
**COURTESY COPY**

I hereby certify that I have mailed a copy of the ORDER to the above-named individuals, and the following forms to Cathie Host for service of process on Joe Ortiz, Al Estep, Steve Green, Dalayne Tornowski, Steven Lockhart, Thompas Bullard, Sgt. Olsen, Sgt. Huff, C/O Barns, Lt. John Cordova, and Lt. Adelman, and to John Suthers: AMENDED COMPLAINT FILED 07/17/06, ORDER FILED 2/1/07, SUMMONS, WAIVER\*, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on 2/12/07.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk